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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JANE DOE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. CV 06-04764 MEJ

**AMENDED JOINT STIPULATION
AND ~~PROPOSED~~ ORDER TO
STAY ACTION PENDING
OUTCOME OF ADMINISTRATIVE
APPEAL**

Pursuant to Civil L.R. 7-12, the parties to this action, Plaintiff Jane Doe ("Ms. Doe") and Defendant United States of America ("United States"), through their respective counsel, hereby jointly request the Court to enter an order staying all claims in the present action for the following reasons and upon the following terms and conditions:

WHEREAS, Plaintiff Doe filed a complaint against the United States on August 7, 2006 alleging a claim under the Federal Tort Claims Act ("FTCA") based on events that happened on August 13, 2003, when the U.S. Customs and Border Protection (CBP) detained her at the U.S.-Mexico border in El Paso, Texas and expeditiously removed her to Mexico;

WHEREAS, on August 14, 2003, Plaintiff Doe reentered the United States without inspection and later applied for asylum with the immigration court in San Francisco;

1 WHEREAS, on September 19, 2006, the Honorable George W. Proctor (Immigration
2 Judge) granted Ms. Doe's asylum application;

3 WHEREAS, the U.S. Immigration & Customs Enforcement ("ICE") has filed an
4 administrative appeal to Judge Proctor's decision, and the appeal is currently pending before the
5 Board of Immigration Appeals ("BIA Appeal");

6 WHEREAS, on October 3, 2006, the United States filed a Motion to Dismiss Ms. Doe's
7 FTCA claim and has noticed a January 18, 2006 hearing for its motion;

8 WHEREAS, the outcome of the BIA Appeal may resolve some or all of the issues raised
9 in Ms. Doe's FTCA claim against the United States;

10 WHEREAS, to promote efficiency and conserve judicial resources, both Ms. Doe and the
11 United States wish to stay all issues in the present action until the BIA Appeal has been resolved;

12 NOW, THEREFORE Ms. Doe and the United States, and their respective counsel of
13 record hereby stipulate and request entry of the following order:

14 1. The present action filed by Ms. Doe against the United States shall be stayed on
15 all matters until the BIA Appeal has concluded. All deadlines, dates, and hearings—including
16 the currently noticed dates for the hearing and briefing schedule on the United States' Motion to
17 Dismiss—shall be continued during the period of the stay.

18 2. The parties shall promptly inform the Court when the BIA Appeal has concluded.

19 3. If the conclusion of the BIA Appeal resolves Ms. Doe's FTCA claims against the
20 United States, the parties shall so inform the Court and file a motion for dismissal of this action
21 in its entirety.

4. If the conclusion of the BIA Appeal does not resolve Ms. Doe's FTCA claims against the United States, the United States may re-notice a hearing on its Motion to Dismiss, subject to the Court's availability.

Dated: December 11, 2006

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/
Christopher Parry

Attorneys for Plaintiff
Jane Doe

Dated: December 11, 2006

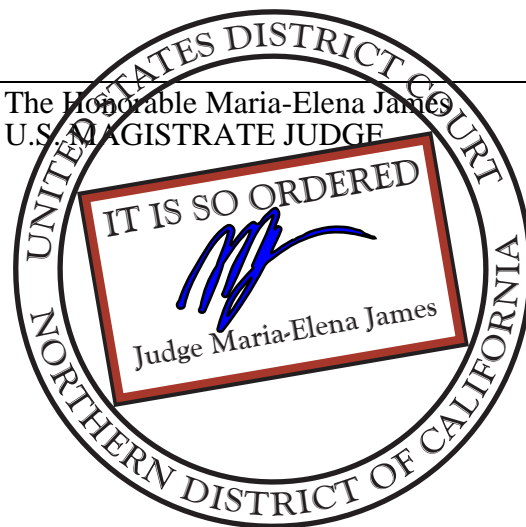
By: /s/
Ila C. Deiss

Attorneys for Defendant
United States of America

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 12, 2006

The Honorable Maria-Elena James
U.S. MAGISTRATE JUDGE



1 Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures,
2 I attest under penalty of perjury that concurrence in the filing of the document has been obtained
3 from Ila C. Deiss.

4
5 Dated: December 11, 2006

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

6
7
8 By: /s/
Christopher Parry

9 Attorneys for Plaintiff
10 Jane Doe
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